



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Tuesday, March 18, 2014 at the offices of the CRMC, Stedman Government Center, 4808 Tower Hill Rd, Wakefield, RI.

MEMBERS PRESENT

Anne Livingston, Chair
Paul Lemont, Vice Chair
Don Gomez
Joy Montanaro
Angelo Liberti, DEM

STAFF PRESENT

Grover Fugate, Executive Director
Jeff Willis, Deputy Director
James Boyd, Coastal Policy Analyst
Brian Goldman, Legal Counsel

Call to Order. Ms. Livingston called the meeting to order at 8:37 a.m.

Ms. Livingston called for a motion to approve the minutes of the January 21, 2014 subcommittee meetings.

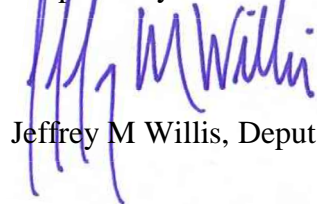
Mr. Lemont seconded by Mr. Gomez moved to approve the meeting minutes of January 21, 2014. All voted in favor of the motion.

Item 4.A. – Petition for Regulation Change – Salt Pond Region SAMP Sections 920.1.B.2(f) and (g), CRMC File 2013-10-026. B. Goldman outlined the issue before the subcommittee namely the petition, the staff report and supporting documents, and comments from interested parties. He also noted for the subcommittee members that within the petition there are some issues raised about whether or not the regulation itself may constitute a taking of property in an inverse condemnation action and made the subcommittee aware that this issue of whether or not the regulation constitutes a takings is not really an appropriate one for this Council to consider at this level. Mr. Boyd clarified the contents of the staff report relative to the question of the petition. Ms. Horne began her presentation. Mr. Horne argued as to the definitions of subdivision, administrative subdivisions and state statute relative to same in RICRMP definitions and polices and how there are inconsistencies and conflicts in the RICRMP v. state statute. Ms. Horne had Kevin Delane, Petitioner, provide testimony. She contested various positions raised by staff in the staff report. She explained how Petitioner's lot came to be divided. Ms. Horne explained that this case isn't the PZ Realty case. She noted that the staff report asserts that the facts are similar and the fact that the lot involved in the PZ Realty case was subject to the enhanced setbacks and buffer zones. She explained that the arguments made in the Petition are

very different than the arguments made in the PZ Realty case as the PZ Realty case did not address the difference provided in the Subdivision Enabling Act between administrative subdivisions and subdivisions creating two or more lots. Mr. Boyd explained how the lot in question came to be divided. Mr. Fugate asked and B. Goldman responded to procedural questions. Mr. Gomez asked and G. Fugate and J. Boyd responded to questions about cumulative impacts to not only the petitioner's lot but to any affected by a potential rule change. Mr. Gomez asked and B. Goldman responded to a question on the definitions contained in the state subdivision statute. Ms. Horne offered her position on said questions. Mr. Liberti noted the Petitioner's reproduction of the definition of subdivision from the statute. Mr. Goldman made statements that the Petition has resulted in outside comments being received and that for any upcoming subcommittee meetings on this matter that all such evidence be organized into hearing packets similar to what is done for full council meetings. Chair Livingston asked if any members of the public in attendance would like to add their comments. Ms. Elise Torello identified herself as executive director of the Salt Ponds Coalition and offered no additional comments beyond those previously submitted except to support the staff report. Ms. Horne asked several questions of Ms. Torello regarding the Salt Ponds Coalition position on the Petition. Mr. Goldman presented several housekeeping items as to next steps for the subcommittee. The subcommittee agreed to a workshop on the petition at its next meeting.

ADJOURNMENT. Mr. Lemont, seconded by Mr. Gomez, moved to adjourn the subcommittee meeting. All voted in favor of the motion and the meeting was adjourned at 9:41 a.m.

Respectfully submitted by



Jeffrey M Willis, Deputy Director